

## UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

Josephine Louella Washington

Case No.

2:16-CV-10195

(to be filled in by the Clerk's Office)

## Plaintiff(s)

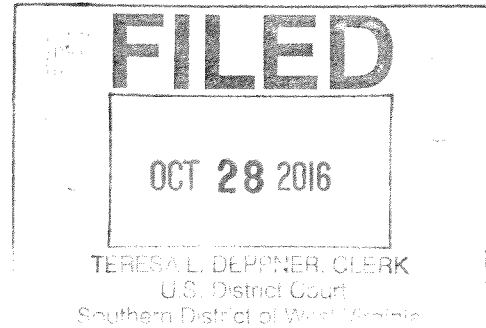
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Melissa Gillespie; Melissa Shephard; Meghan Gofreda; Anne Stacklin; Amy Booth; Sandra Wilkerson; Stephanie Brown; Timmica Tolliver; Erica Garcia-Palmer; LaDella Blair; "SEE ATTACHED"

## Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)



## COMPLAINT AND REQUEST FOR INJUNCTION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Josephine Louella Washington
Street Address	200 Fontana Lane
City and County	Pond Gap; Kanawha County
State and Zip Code	West Virginia 25160
Telephone Number	304-595-5700
E-mail Address	josiewashingtonoct85@hotmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	Melissa Gillespie
Job or Title <i>(if known)</i>	WV DHHR Kanawha CPS Worker
Street Address	4190 West Washington Street
City and County	Charleston; Kanawha County
State and Zip Code	West Virginia 25313
Telephone Number	304-746-2360
E-mail Address <i>(if known)</i>	

## Defendant No. 2

Name	Melissa Shephard
Job or Title <i>(if known)</i>	WV DHHR Kanawha CPS Worker
Street Address	4190 West Washington Street
City and County	Charleston; Kanawha County
State and Zip Code	West Virginia 25313
Telephone Number	304-746-2360
E-mail Address <i>(if known)</i>	

## Defendant No. 3

Name	Meghan Gofreda
Job or Title <i>(if known)</i>	WV DHHR Kanawha CPS Worker
Street Address	4190 West Washington Street
City and County	Charleston; Kanawha County
State and Zip Code	West Virginia 25313
Telephone Number	304-746-2360
E-mail Address <i>(if known)</i>	

## Defendant No. 4

Name	Anne Stacklin
Job or Title <i>(if known)</i>	WV DHHR Kanawha CPS Worker
Street Address	4190 West Washington Street
City and County	Charleston; Kanawha County
State and Zip Code	West Virginia 25313
Telephone Number	304-746-23605th
E-mail Address <i>(if known)</i>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

5th Amendment rights: denied attendance at hearing; tried to threaten loved ones, made fraudulent promises, and coercive questioning to obtain a confession; tried to use own testimony against me; convicted without using court procedure to ensure fair trial; ignored legally relevant facts; denied new counsel and am indigent; denied request to proceed pro se; ineffective assistance of counsel; irreconcilable differences arose and denied new counsel. "SEE ATTACHED"

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\_\_\_\_\_

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

My home in Pond Gap, West Virginia; Cedar Grove Elementary School in Cedar Grove, West Virginia; Home Base, Inc Office in Charleston, West Virginia; Kanawha County Circuit Court in Charleston, West Virginia; Kanawha County DHHR Office in Charleston, West Virginia; Kanawha County Courthouse in Charleston, West Virginia;

B. What date and approximate time did the events giving rise to your claim(s) occur?

September 24, 2014 until present day and still ongoing.

\_\_\_\_\_

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

The teacher's aid neglected a handicapped child which caused him bodily injury. She then proceed to lie and WV DHHR CPS removed my children over her lies. Then there was a closed court proceeding where all of my rights along with my children's rights were violated. The judge and the court wouldn't listen to any relevant evidence and would not allow me to have a new attorney when asked. The court terminated my parental rights without any evidence and based on hearsay. I have contacted numerous officials in charge of these agencies and no one will help me or tell me who can. My children and I are suffering from this forced separation and are not adjusting well.

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#### IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The bond between a mother and her children is a precious thing that the above named defendants have strained and possibly broken. There is underlying emotional injuries that will forever effect the Plaintiff and minor children. There is no amount of compensation that will repair the bond between mother and child or repair the emotional and psychological injuries the Plaintriff and minor children are going to continue to suffer from for the rest of their lives.

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#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff request the court to grant custody of her three minor children; reverse the termination of her parental rights; have defendants pay punitive damages for the emotional and psychological abuse of the plaintiff and her minor children; investigate the defendants other actions in similar cases and hold wrongdoers accountable for their actions or inactions; hold the individuals accountable criminally and civilly for their actions and inactions in the forced separation of the Plaintiff and three minor children; award Plaintiff court costs and any other monetary damages that is seen fit; and any other relief that the court deems necessary.

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_ October 28 2016 \_\_\_\_\_

Signature of Plaintiff

Printed Name of Plaintiff

*Josephine L. Washington*  
Josephine L. Washington

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



**DEFENDANTS (CONTINUED)**

John Lopez; Karen Bowling; Amy Paxton; Samuel Marsh; Jason Lord; Micheal Cary; Sandra Evans; Rebecca Johnson; Tod Kaufman; Ariella Silberman; Home Base, Inc.; Laverna Vickers; Niccole Evans; Kanawha County Sheriff's Office; Kanawha County Board Of Education; Cedar Grove Elementary School; Kelly Morris; Ruth Adkins; West Virginia Department of Health and Human Resources

**I. THE PARTIES TO THIS COMPLAINT (CONTINUED)**

**B. THE DEFENDANT(S) (CONTINUED)**

**DEFENDANT NO. 5**

Amy Booth  
WV DHHR Kanawha CPS Worker  
4190 West Washington Street  
Charleston; Kanawha County  
West Virginia 25313  
304-746-2360

**DEFENDANT NO. 6**

Sandra Wilkerson  
WV DHHR Kanawha CPS Worker  
4190 West Washington Street  
Charleston; Kanawha County  
West Virginia 25313  
304-746-2360

**DEFENDANT NO. 7**

Stephanie Brown  
WV DHHR Kanawha CPS Worker  
4190 West Washington Street  
Charleston; Kanawha County  
West Virginia 25313  
304-746-2360

**DEFENDANT NO. 8**

Timmica Tolliver  
WV DHHR Kanawha CPS Worker  
4190 West Washington Street  
Charleston; Kanawha County  
West Virginia 25313  
304-746-2360

**DEFENDANT NO. 9**

Erica Garcia-Palmer  
WV DHHR Kanawha CPS Worker  
4190 West Washington Street  
Charleston; Kanawha County  
West Virginia 25313  
304-746-2360

**DEFENDANT NO. 10**

LaDella Blair  
WV DHHR Kanawha CPS Worker  
4190 West Washington Street

Charleston; Kanawha County  
West Virginia 25313  
304-746-2360

DEFENDANT NO. 11

John Lopez  
WV DHHR Customer Service Director  
350 Capitol Street; Room 623  
Charleston; Kanawha County  
West Virginia 25301  
304-356-2000  
[John.V.Lopez@wv.gov](mailto:John.V.Lopez@wv.gov)

DEFENDANT NO. 12

Karen Bowling  
WV DHHR Secretary  
350 Capitol Street; Room 601  
Charleston; Kanawha County  
West Virginia 25301  
304-558-2400  
[Karen.L.Bowling@wv.gov](mailto:Karen.L.Bowling@wv.gov)

DEFENDANT NO. 13

Amy L. Paxton  
Assistant Prosecuting Attorney of Kanawha County  
301 Virginia Street, East  
Charleston; Kanawha County  
West Virginia 25301  
304-357-0300

DEFENDANT NO. 14

Samuel Marsh  
Guardian Ad Litem  
1412 Kanawha Boulevard, East  
Charleston; Kanawha County  
West Virginia, 25301  
304-347-3800

DEFENDANT NO. 15

Jason Lord  
Attorney  
PO Box 3549  
Charleston; Kanawha County  
West Virginia 25335  
304-389-1840

DEFENDANT NO. 16

Michael Cary  
Attorney  
PO Box 968  
Charleston; Kanawha County  
West Virginia 25324  
304-205-7470

DEFENDANT NO. 17



Sandra Evans  
Assistant Attorney General  
812 Quarrier Street; 2<sup>nd</sup> Floor  
Charleston; Kanawha County  
West Virginia 25301  
304-558-2131

DEFENDANT NO. 18

Rebecca Johnson  
Attorney  
PO Box 3924  
Charleston; Kanawha County  
West Virginia 25339  
304-780-6436

DEFENDANT NO. 19

Tod Kaufman  
Circuit Court Judge  
111 Court Street; 4<sup>th</sup> Floor  
Charleston; Kanawha County  
West Virginia 25301  
304-357-0363

DEFENDANT NO. 20

Ariella Silberman  
Guardian Ad Litem  
1500 Chase Tower, 15<sup>th</sup> Floor; 707 Virginia Street, East  
Charleston; Kanawha County  
West Virginia 25301  
304-345-8900 Ext.104  
[Asilberman@kaycasto.com](mailto:Asilberman@kaycasto.com)

DEFENDANT NO. 21

Home Base, Inc.  
713 Bigley Avenue  
Charleston; Kanawha County  
West Virginia 25302  
304-746-2918

DEFENDANT NO. 22

Laverna Vickers  
Home Base Inc  
713 Bigley Avenue  
Charleston, Kanawha County  
West Virginia 25302  
304-746-2918

DEFENDANT NO. 23

Niccole Evans  
Home Base Inc  
713 Bigley Avenue  
Charleston; Kanawha County  
West Virginia 25302  
304-746-2918

DEFENDANT NO. 24

Kanawha County Sheriff's Office  
301 Virginia Street, East  
Charleston; Kanawha County  
West Virginia 25301  
304-357-0200

DEFENDANT NO. 25

Kanawha County Board of Education  
200 Elizabeth Street  
Charleston; Kanawha County  
West Virginia 25311  
304-348-7770

DEFENDANT NO. 26

Cedar Grove Elementary School  
200 John Street  
Cedar Grove; Kanawha County  
West Virginia 25039  
304-949-1642

DEFENDANT NO. 27

Kelly Morris  
Teacher's Aid at Cedar Grove Elementary  
200 John Street  
Cedar Grove, Kanawha County  
West Virginia 25039  
304-949-1642

DEFENDANT NO. 28

Ruth Adkins  
Bus Aid for Cedar Grove Elementary  
200 John Street  
Cedar Grove; Kanawha County  
West Virginia 25039  
304-949-1642

DEFENDANT NO. 29

West Virginia Department of Health and Human Resources  
4190 West Washington Street  
Charleston; Kanawha County  
West Virginia 25313  
304-746-2360

**II. BASIS FOR JURISDICTION(CONTINUED)**

**A. IF THE BASIS FOR JURISDICTION IS A FEDERAL QUESTION (CONTINUED)**

6<sup>th</sup> Amendment rights: denied counsel and I am indigent; irreconcilable differences arose and denied new counsel; ineffective assistance of counsel; denied request to proceed pro se; denied right to a speedy trial; prosecution admitted hearsay against me and it didn't qualify as an exception; denied a fair, impartial jury trial; the evidence was insufficient to sustain a guilty verdict; judge was biased; witnesses for prosecution lied on the stand. 14<sup>th</sup> Amendment rights: witnesses identified me after CPS had suggested; prosecution denied me evidence discovery even though requested; was

unable to have an expert testimony; was convicted under unconstitutional statute.